

Richard M. Pachulski, Esq.
Andrew W. Caine, Esq.
(admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
David N. Tabakin, Esq. (VA Bar No. 82709)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178

Counsel to Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,¹

Debtors.

) Case No. 08-35653 (KRH)
)
) Chapter 11
)
) (Jointly Administered)
)
)
)

ORDER

Upon the *Motion of the Circuit City Stores, Inc. Liquidating Trust to Enforce Terms of Confirmed Plan, for Protection from Foreign Subpoenas, and for Order to Show Cause as to Why Stiles Ewing Powers PC, Michael S. Ewing, Esquire, Mollie C. Barton, Esquire, and David G. Fose Should Not Be Held in Contempt* (the “**Motion**”)² of Alfred H. Siegel, as Trustee, and not individually but solely in his capacity as the liquidating trustee (in such capacity, the “**Trustee**”) of the Circuit City Stores, Inc. Liquidating Trust (the “**Trust**”) created under the *Modified Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated*

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective federal tax identifications numbers, are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), Prahs, Inc. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512).

² Capitalized terms not otherwise defined herein shall have the meanings and definitions ascribed to such terms in the Motion.

Debtors and Debtors in Possession and its Official Committee of Unsecured Creditors Holding General Unsecured Claims [Docket No. 8252, Exhibit A], for the entry of an order holding the Violators, all as set forth in greater detail in the Motion, in contempt and to quash certain Subpoenas; and the Court having reviewed the Motion, and the Court having determined that the relief requested in the Motion is reasonable and warranted under the circumstances; and it appearing that proper and adequate notice of the Motion has been given; and upon the record adduced at the hearing (the “**Hearing**”) on December 12, 2019; and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

I.The Motion is GRANTED IN PART AND CONTINUED IN PART.

II.Pursuant to legal basis articulated in this Court’s *Memorandum Opinion, In re Circuit City Stores, Inc.*, Case No. 08-35653 (Bankr. E.D. Va. Sept. 06, 2016), ECF No. 13939 (Huennekens, J.), the Subpoenas are void.

III.The relief sought by the Trustee as it relates to holding the Violators in contempt is hereby continued generally subject to the Trustee filing an additional notice of a hearing to be held on not less than twenty-one (21) days’ notice.

IV.The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: Dec 16 2019
Richmond, Virginia

/s/ Kevin R Huennekens

The Honorable Kevin R. Huennekens
United States Bankruptcy Judge

Entered on Docket: Dec 17 2019

WE ASK FOR THIS:

/s/ Lynn L. Tavenner

Lynn L. Tavenner (VA Bar No. 30083)
Paula S. Beran (VA Bar No. 34679)
David N. Tabakin (VA Bar No. 82709)
TAVENNER & BERAN PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: 804-783-8300
Facsimile: 804-783-0178

-and-

Richard M. Pachulski (CA Bar No. 90073)
Andrew W. Caine (CA Bar No. 110345)
(admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd. 13th Floor
Los Angeles, California 90067-4100
Telephone: 310-227-6910
Facsimile: 310-201-0760

*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

CERTIFICATION

I hereby certify that the foregoing proposed Order has been either served on or endorsed by all necessary parties.

/s/ Lynn L. Tavenner
Counsel

Service List for Entered Order

Robert B. Van Arsdale, Esquire
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, Virginia 23219-1885
Robert.B.Van.Arsdale@usdoj.gov

Mollie C. Barton, Esquire
Stiles Ewing Powers PC
3957 Westerre Parkway, Suite 400
Richmond, VA 23233
mbarton@familylawrva.com

Michael S. Ewing, Esquire
Stiles Ewing Powers PC
3957 Westerre Parkway, Suite 400
Richmond, VA 23233
mewing@familylawrva.com

Stiles Ewing Powers PC
c/o Michael S. Ewing, r/a
3957 Westerre Parkway, Suite 400
Richmond, VA 23233
mewing@familylawrva.com

David G. Fose
c/o Michael S. Ewing, Esquire
3957 Westerre Parkway, Suite 400
Richmond, VA 23233
mewing@familylawrva.com